IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

SUMMONS FOR JUDGMENT NO.137 OF 2006

IN

SUMMARY SUIT NO.175 OF 2006

Big Vision Private Limited. ...Plaintiff.

vs.

L.M.L. Limited. ...Defendant.

Ms.K.A.Shah, for Plaintiff.

Ms.Jeenal Lakhabhai i/b. Malvi Ranchoddas & Co., for Defendant.

CORAM: D.K.DESHMUKH,J.

DATED: 25th July, 2006.

P.C.:-

1. The plaintiff has filed this suit for recovery of the material sold and supplied to the defendant The defendant admittedly has been served. Except producing copy of the notification issued by the Government of Uttar Pradesh under the provisions of Uttar Pradesh Industrial Undertaking (Special Provisions for prevention of Unemployment) Act,1966, declaring the defendant as relief

undertaking , no reply has been filed nor any application has been made seeking leave of the Court to defend the suit. So far as the notification issued by the Government of Uttar Pradesh is concerned, I have perused the provisions of the relevant Act, it will not operate in relation to the proceedings pending in this Court. In any case as there is no application made seeking leave to defend the suit within the time prescribed by the provisions of Order 37 of C.P.C., in terms of the provisions of Order 37 of C.P.C. the plaintiff becomes entitle to a judgment.

2. Heard the learned Counsel appearing for plaintiff. Perused the record. The summons for judgment is granted. The suit is decreed in terms of prayer clause of the suit. Refund of Court fees as per rules.